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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,736	02/02/2004	Hajime Yagi	045237-0129	4908
22428	7590	12/02/2005	EXAMINER	
FOLEY AND LARDNER LLP			HUSAR, STEPHEN F	
SUITE 500			ART UNIT	
3000 K STREET NW			PAPER NUMBER	
WASHINGTON, DC 20007			2875	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

4.0

Office Action Summary	Application No. 10/768,736	Applicant(s) YAGI, HAJIME	
	Examiner Stephen F. Husar	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/2/04, 1/4/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 is indefinite in that it is unclear what the limitation, "the flexible board is arranged at an outer convex that is formed by bending the reflector, in a direction toward the reflector." (last two lines), means. How does one bend the reflector in a direction toward the reflector? What is an outer convex? Claim 11 is indefinite in that the limitation, "the chassis having an opening former at a portion;" (lines 4-5), is not understood. What is a opening former? What portion is being referred to? Clarification of these two claims is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by SCHWANZ et al. (US 2002/0057575). Schwanz shows in Fig.2; a window “6”, a reflector “20” and a LED “15”. Re claims 2 ,3 and 7, Schwanz shows in Fig.1 that the chassis is a garnish “4” on mirror housing “1” and the reflector and garnish are on the backside of the mirror housing. Re claims 4,5, and 9, note that paragraph 0030 discloses that the LEDs can be mounted on a flexible circuit board and that Fig.2 shows the LED “15” mounted at the outer convex of bent reflector “20”. Re claims 6,8, and 10, note that in Fig.2 of Schwanz that the lens or window “6” transmits the light reflected from the reflector “20” and the lens or window “6” is displaced from the surface of the mirror in the direction of movement of the vehicle. Re claim 11, note that the light source “15” as shown in Fig.2 of Schwanz is


arranged in such a manner that the light from the light source "15" does not illuminate the opening directly.

5. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by APFELBACK (US 2001/0010633). Apfelback shows in Fig.1; a window "13", a reflector "30" and a LED light source "31". Re claims 2,3, and 7, Apfelback shows in Fig.1 that the chassis is a garnish "12" on mirror housing "2" and the reflector "30" and garnish "12" are on the back side of the mirror assembly "1". Re claims 4,5, and 9, note that paragraph 0029 discloses that the conductive circuit board is flexible and the LEDs are surface mounted at the outer convex of reflector "30". Re claims 6,8, and 10, note in Fig.1 of Apfelback that the lens or window "13" transmits the light reflected from the reflector "30" and is displaced from the surface of the mirror in the direction of movement of the vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen F. Husar whose telephone number is 571-272-2371. The examiner can normally be reached on M-W and F from 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stephen F. Husar
Primary Examiner
Art Unit 2875

SFH